

REMARKS/ARGUMENTS

All rejections are hereby traversed, and, in view of the amendments, cancellations, and the following remarks, reconsideration thereof is respectfully requested. Claims 23, 24, and 26 – 28 have been canceled without prejudice. Claims 1 – 21 are pending in this application.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned “**Version with markings to show changes made**”.

Rejections Under 35 U.S.C. 102(b)

The Office Action contains a rejection of claims 1 – 21, 23, 24, and 26 – 28 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,103,254 to Bell, et al., (hereinafter *Bell*).

Claims 1 – 5 and 17 – 21

Claim 17 recites, “a disabling feature which disables highlighting when selected by a user.” In his rejection of claim 17, the Examiner states that,

However, the indication to disable the highlighting portions can come in the form of taking the photograph. This limitation is inherent in *Bell*, et al. Once the user has taken the photograph, the highlighting portions would be disabled so that the user could take a new photograph.

The Examiner’s attempt to equate *Bell*’s function of taking the picture to a user-selectable feature specifically for disabling the highlighting is misplaced. Applicant does not concede that, by taking the picture, the highlighting feature of *Bell* is disabled. However, even if the highlighting in *Bell* were disabled after taking a picture, it still is not the same as a feature that a user can select specifically for disabling the highlighting. The user of a *Bell* system does not take the picture to disable the highlighting. The user takes the picture to take the picture. In contrast, claim 17 describes a disabling feature that the user would select to disable the highlighting. Thus, *Bell* does not teach or even suggest a disabling feature that is selectable by a user for disabling the highlighting. As such, the 102(b) rejection is improper and this rejection should be withdrawn.

Claim 1 has been amended to recite, “disabling highlighting of said near portions said far portions when a user-selectable option is selected.” Support for this amendment is in the specification, at least, at page 7, lns 6 – 7. No new matter was added. Furthermore, because the amendment adds an element that was recited in claim 17, no new search should be warranted. For the reasons stated above, *Bell* does not teach, describe, or even suggest a user-selectable option for disabling the highlighting feature of the *Bell* camera. As such, for at least the above reasons, claims 1 and 17 are both patentable over the 102(b) rejection.

Claims 2 – 5 and 18 – 21 each depend, directly or indirectly, from base independent claims 1 and 17, and thus, inherit each of the elements of claims 1 and 17. Each of these claims, thus, set forth features and limitations not recited by *Bell*. Therefore, Applicant respectfully asserts that, for at least the above reasons, claims 1 – 5 and 17 – 21 are patentable over the 35 U.S.C. § 102(b) rejection of record.

Claims 6 – 16

In the previous Amendment, Applicant asserted that *Bell* did not teach or describe a camera comprising “... a controller configured to ... receive said image data from said image sensor,” as recited in claim 6. In rejecting this argument, the Examiner stated,

... as seen in fig. 4, and col. 4 lines 25 – 37, the camera controller, ref. 74, does receive the image from the image sensor, ref. 40, through the A/D converter, ref. 66, memory, ref. 68, and the gradient operator, ref. 70.

In response, Applicant respectfully maintains that the Examiner is wrong. The block diagram of *Bell*’s Figure 4 **clearly** illustrates that system controller 74 only **controls** the recited image sensor 40, A/D 66, memory 68, gradient operator 70, and LCD 62. The illustrated connectors, which are arrows, from controller 74 to these other elements are **clearly** unidirectional, which is completely contrary to the Examiner’s conclusions. Figure 4 simply does not show any communication originating at the recited elements and going to controller 74.

Furthermore, the Examiner offers *Bell* column 4, lines 25 – 37 as support for his rejection, which states:

FIG. 4 is a block diagram indicating the processing of the data for producing the mask image. Image sensor 40 produces electrical signal indicative of the images as explained above. The signals are converted to digital signals in an A-D converter 66. The digital signals are then stored in memory 68. The various pixel which make up the image are then retrieved from memory and processed by the gradient operator 70 in a known fashion. The gradient technique shown in FIG. 16a, steps 100 to 124 inclusive, involves taking a pixel and three of its nearest neighbors to perform the gradient operation such as: [formula omitted].

Controller 74 is not even mentioned in the referenced section. Moreover, nothing within the referenced section describes or even suggests that controller 74 receives image data from the image sensor. In fact, the referenced text instead teaches that the image data goes from image sensor 40 to A-D converter 66, and then to memory 68. There is no teaching direct or otherwise that controller 74 receives anything.

System controller 74 is discussed in detail at column 4, lines 40 to 56. In sum, *Bell* describes that controller 74 is the traditional controlling device for the operation of the camera and directs the other camera elements to perform their functions. Nowhere in *Bell*'s own description of controller 74 is it suggested that it receives image data. Therefore, the 102(b) rejection is improper and this rejection should be withdrawn.

Claims 7 – 16 each depend, directly or indirectly, from base independent claim 6, and thus, inherit each of the elements of claim 6. Each of these claims thus, set forth features and limitations not recited by *Bell*. Therefore, Applicant respectfully asserts that, for at least the above reasons, claims 6 – 16 are patentable over the 35 U.S.C. § 102(b) rejection of record.

Claims 23 – 28

Although Applicant strongly disagrees with the Examiner's statement that analog-to-digital conversion comprises some sort of image compression, as that term is known in the art of electronic media, Applicant has nonetheless canceled claims 23 – 28 without prejudice in order to hasten allowance of the remaining, pending claims. Thus, the Examiner's rejection of claims 23 – 28 is now moot.


In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10005759-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV259595588US, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Date of Deposit: February 13, 2003

Typed Name: John Pallivathukal

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Respectfully submitted,

By 

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Version With Markings to Show Changes Made

Please amend the claims as follows:

1. (Twice Amended) A method of automatically highlighting focused objects within a preview window comprising the steps of:

receiving a digital representation of an image;

determining a near focus distance;

identifying near portions of objects within said image at said near focus distance;

determining a far focus distance;

identifying far portions of objects within said image at said far focus distance;

highlighting said near portions and said far portions of said objects within said image; and

disabling highlighting of said near portions and said far portions when ~~an~~ an indication has been received a user-selectable option is selected.

23. Please cancel claim 23 without prejudice.

24. Please cancel claim 24 without prejudice.

26. Please cancel claim 26 without prejudice.

27. Please cancel claim 27 without prejudice.

28. Please cancel claim 28 without prejudice.